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**RESP**

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*Attorney for Respondent Leslie White*

**BEFORE THE COMMISSION FOR COMMON-INTEREST  
COMMUNITIES AND CONDOMINIUM HOTELS  
STATE OF NEVADA**

LESLIE WHITE,

Respondent,

v.

JOSEPH (J.D.) DECKER, Administrator,  
REAL ESTATE DIVISION, DEPARTMENT  
OF BUSINESS & INDUSTRY,  
STATE OF NEVADA

Petitioner.

**CASE NO.: 2014-1505**

**RESPONSE TO COMPLAINT AND  
DISCIPLINARY ACTION**

**FILED**

MAR 02 2015

COMMISSION FOR COMMON-INTEREST COMMUNITIES  
AND CONDOMINIUM HOTELS

COMES NOW, the Respondent, Leslie White, by and through her attorneys of  
record, LIPSON, NEILSON, COLE, SELTZER & GARIN, P.C., hereby responds to the  
Petitioner's Complaint as follows:

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**GENERAL ALLEGATIONS**

1  
2 1. Answering paragraph 1 of the Complaint, Ms. White admits she is a licensed  
3 community manager and subject to the provisions of NRS 116 and 116A and NAC 116 and  
4 116A.

**ANSWERS TO FACTS ALLEGED BY THE DIVISION**

5  
6 2. Admitted.

7  
8 3. Ms. White denies these allegations in the manner and form alleged. She is not  
9 performing services of a community manager for Willow Trace Association ("WTA"). She has  
10 performed such services in the past through NCF Corporation d/b/a, Associated Community  
11 Management.

12 4. Ms. White lacks information sufficient to form a belief as to the truth of these  
13 allegations, and therefore, denies same in the manner and form alleged.

14 5. Ms. White lacks information sufficient to form a belief as to the truth of these  
15 allegations, and therefore, denies same in the manner and form alleged.

16 6. Ms. White lacks information sufficient to form a belief as to the truth of these  
17 allegations, and therefore, denies same in the manner and form alleged.

18 7. Ms. White admits receiving a letter dated June 7, 2013 and further states that  
19 she cooperated with the Division and complied with requests from the Division.

20 8. Admitted. In further answer, she cooperated with the Division and complied with  
21 requests from the Division.

22 9. Ms. White lacks information sufficient to form a belief as to the truth of these  
23 allegations, and therefore, denies same in the manner and form alleged.

24 10. Ms. White lacks information sufficient to form a belief as to the truth of these  
25 allegations, and therefore, denies same in the manner and form alleged.

26 11. Ms. White lacks information sufficient to form a belief as to the truth of these  
27 allegations, and therefore, denies same in the manner and form alleged.

1           12.   Admitted. In further answer, she cooperated with the Division and complied with  
2 requests from the Division.

3           13.   Ms. White lacks information sufficient to form a belief as to the truth of these  
4 allegations, and therefore, denies same in the manner and form alleged.

5           14.   Admitted. In further answer, she cooperated with the Division and complied with  
6 requests from the Division including verbal instructions to sign checks.

7           15.   Ms. White lacks information sufficient to form a belief as to the truth of these  
8 allegations, and therefore, denies same in the manner and form alleged.

9           16.   Ms. White lacks information sufficient to form a belief as to the truth of these  
10 allegations, and therefore, denies same in the manner and form alleged.

11           17.   Ms. White lacks information sufficient to form a belief as to the truth of these  
12 allegations, and therefore, denies same in the manner and form alleged.

13           18.   Ms. White lacks information sufficient to form a belief as to the truth of these  
14 allegations, and therefore, denies same in the manner and form alleged.

15           19.   Ms. White lacks information sufficient to form a belief as to the truth of these  
16 allegations, and therefore, denies same in the manner and form alleged.

17           20.   Admitted.

18           21.   Ms. White lacks information sufficient to form a belief as to the truth of these  
19 allegations, and therefore, denies same in the manner and form alleged.

20           22.   Ms. White lacks information sufficient to form a belief as to the truth of these  
21 allegations, and therefore, denies same in the manner and form alleged.

22           23.   Ms. White lacks information sufficient to form a belief as to the truth of these  
23 allegations, and therefore, denies same in the manner and form alleged.

24           24.   Ms. White lacks information sufficient to form a belief as to the truth of these  
25 allegations, and therefore, denies same in the manner and form alleged.

1           25. Ms. White lacks information sufficient to form a belief as to the truth of these  
2 allegations, and therefore, denies same in the manner and form alleged.

3           26. Ms. White admits that various documents were provided to the Division. All  
4 responses were made in good faith, based on information believed to be correct at the time  
5 responses were submitted.

6           27. Ms. White admits that various documents were provided to the Division. All  
7 responses were made in good faith, based on information believed to be correct at the time  
8 responses were submitted.

9           28. Ms. White lacks information sufficient to form a belief as to the truth of these  
10 allegations, and therefore, denies same in the manner and form alleged. In further answer,  
11 Ms. White at all times acted in good faith and consistent with verbal instructions from the  
12 Division.

13           29. Ms. White lacks information sufficient to form a belief as to the truth of these  
14 allegations, and therefore, denies same in the manner and form alleged.

15           30. Ms. White lacks information sufficient to form a belief as to the truth of these  
16 allegations, and therefore, denies same in the manner and form alleged. Nevertheless, Ms.  
17 White admits signing checks in good faith, consistent with verbal instructions from the  
18 Division.

19           31. Ms. White lacks information sufficient to form a belief as to the truth of these  
20 allegations, and therefore, denies same in the manner and form alleged. Nevertheless, Ms.  
21 White admits signing checks in good faith, consistent with verbal instructions from the  
22 Division.

23  
24                           **RESPONSES TO ALLEGED VIOLATION OF LAW**

25           32. Ms. White lacks information sufficient to form a belief as to the truth of these  
26 allegations, and therefore, denies same in the manner and form alleged.

1           33. Ms. White lacks information sufficient to form a belief as to the truth of these  
2 allegations, and therefore, denies same in the manner and form alleged.

3           34. Ms. White lacks information sufficient to form a belief as to the truth of these  
4 allegations, and therefore, denies same in the manner and form alleged.

5           35. Ms. White lacks information sufficient to form a belief as to the truth of these  
6 allegations, and therefore, denies same in the manner and form alleged.

7           36. Ms. White lacks information sufficient to form a belief as to the truth of these  
8 allegations, and therefore, denies same in the manner and form alleged.

9           37. Ms. White lacks information sufficient to form a belief as to the truth of these  
10 allegations, and therefore, denies same in the manner and form alleged.

11           38. Ms. White lacks information sufficient to form a belief as to the truth of these  
12 allegations, and therefore, denies same in the manner and form alleged.

13           39. Ms. White lacks information sufficient to form a belief as to the truth of these  
14 allegations, and therefore, denies same in the manner and form alleged.

15           40. Ms. White lacks information sufficient to form a belief as to the truth of these  
16 allegations, and therefore, denies same in the manner and form alleged.

17           41. Ms. White lacks information sufficient to form a belief as to the truth of these  
18 allegations, and therefore, denies same in the manner and form alleged.

19           42. Ms. White lacks information sufficient to form a belief as to the truth of these  
20 allegations, and therefore, denies same in the manner and form alleged.

21           43. Ms. White lacks information sufficient to form a belief as to the truth of these  
22 allegations, and therefore, denies same in the manner and form alleged.

23           44. Ms. White lacks information sufficient to form a belief as to the truth of these  
24 allegations, and therefore, denies same in the manner and form alleged.

25           45. Ms. White lacks information sufficient to form a belief as to the truth of these  
26 allegations, and therefore, denies same in the manner and form alleged.

1           46. Ms. White lacks information sufficient to form a belief as to the truth of these  
2 allegations, and therefore, denies same in the manner and form alleged.

3           47. Ms. White lacks information sufficient to form a belief as to the truth of these  
4 allegations, and therefore, denies same in the manner and form alleged.

5           48. Ms. White lacks information sufficient to form a belief as to the truth of these  
6 allegations, and therefore, denies same in the manner and form alleged.

7           49. Ms. White lacks information sufficient to form a belief as to the truth of these  
8 allegations, and therefore, denies same in the manner and form alleged.

9           50. Ms. White lacks information sufficient to form a belief as to the truth of these  
10 allegations, and therefore, denies same in the manner and form alleged.

11           51. Ms. White lacks information sufficient to form a belief as to the truth of these  
12 allegations, and therefore, denies same in the manner and form alleged.

13           52. Ms. White lacks information sufficient to form a belief as to the truth of these  
14 allegations, and therefore, denies same in the manner and form alleged.

15           53. Ms. White lacks information sufficient to form a belief as to the truth of these  
16 allegations, and therefore, denies same in the manner and form alleged.

17           54. Ms. White lacks information sufficient to form a belief as to the truth of these  
18 allegations, and therefore, denies same in the manner and form alleged.

19  
20                                   **PRAYER FOR RELIEF**

21           Ms. White respectfully requests that this matter be dismissed without discipline or that  
22 the Commission take action consistent with the authority permitted by Nevada law.

23  
24 //

25 //

26 //

1 DATED this 2<sup>nd</sup> day of March, 2015.

2  
3 LIPSON, NEILSON, COLE, SELTZER & GARIN, P.C.

4  
5 *Joseph P. Garin*

6 By: \_\_\_\_\_

7  
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13 Attorney for Respondent Leslie White

14 **DEFENSES**

15 COMES NOW, the Respondent, Leslie White, by and through her attorneys of record,  
16 LIPSON, NEILSON, COLE, SELTZER & GARIN, P.C., hereby gives notice of the following  
17 defenses:

18 1. The Complaint and evidence served with the Complaint does not by a  
19 preponderance of the evidence demonstrate that each of the sections identified in the  
20 complaint (paragraphs 32-54) have been violated.

21 2. Ms. White had no intention to violate the law. In fact, she made effort to comply  
22 and keep the Division advised of the status of Willow Trace and other HOAs. Ms. White had  
23 several meetings at NRED where concerns and issues were discussed with investigators and  
24 representatives of NRED. Ms. White at all times acted, or attempted to act, in conformity with  
25 verbal instructions from the Division.

26 3. The Division should be estopped from seeking enforcement of the sections  
27 identified in the complaint (paragraphs 32-54).

28 4. Ms. White substantially complied with statutes and administrative code

1 provisions as issue.

2 5. Ms. White made good faith attempts to comply with statutes and administrative  
3 code provisions at issue.

4 6. Ms. White's actions are excused by necessity and were at all times for the  
5 benefit of the HOA.

6 **PRAYER FOR RELIEF**

7 Ms. White respectfully requests that this matter be dismissed without discipline or that  
8 the Commission take action consistent with the authority permitted by Nevada law.

9 DATED this 2<sup>nd</sup> day of March, 2015.

10 Respectfully submitted,

11 LIPSON, NEILSON, COLE, SELTZER & GARIN, P.C.

12 

13 By: \_\_\_\_\_

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